

NAGALAND INFORMATION COMMISSION

**Old Secretariat Complex,
Post Box No. 148**

Nagaland, Kohima - 797001.

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No. NIC/Appeal-1/2015-16

Dated Kohima, the 21st July, 2015.

Appellant: Shri. S. Lepzung Jamir,
Managing Director(NESMA) & Social Activist,
Tuli, Mokokchung,
Mobile No. 8413946471, email: nesmstuli@gmail.com

Respondent(s) : 1) Er. D. Mero,
Engineer-in-Chief & First Appellate Authority,
NPWD, Nagaland, Kohima.
2) Er. Longzochang,
Deputy Chief Engineer & the new PIO,
Office of the Engineer-in-Chief,
NPWD, Nagaland, Kohima.

Public Authority : Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima.

Date of hearing : 28.04.2015 at 1:30 PM.

Date of Interim Decision : 30.04.2015.

Date of second hearing : 14.07.2015 at 2:30 PM.

Date of Final Decision : 21.07.2015

Present:

1. Er. D. Mero, Engineer-in-Chief & First Appellate Authority, NPWD, Nagaland, Kohima, Mobile No. 9436011574.
2. Er. Longzochang, Deputy Chief Engineer & the new PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima, Mobile No. 9436010045.
3. Shri. T. Soyah, Legal Officer, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima, Mobile No. 9856236871.
4. The applicant (now appellant), Shri. S. Lepzung Jamir, Managing Director, NESMA, C/o Nayangro, Assistant Superintendent, Vigilance Commission, Nagaland, Kohima, Mobile No. 8413946471.

FACT OF THE CASE

The Commission had, on 28.04.2015 at 1:30 PM. heard the Second Appeal dated 13.03.2015 received from Shri. S. Lepzung Jamir, Managing Director(NESMA) & Social Activist, Tuli, Mokokchung, Mobile No. 8729993847, email: nesmstuli@gmail.com, against the non-receipt of any information from the Engineer-in-Chief & First Appellate Authority, NPWD, Nagaland, Kohima to his First Appeal dated 12.12.2014 which was submitted against the non-reply by the PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima to his RTI application dated 07.10.2014.

And after hearing the parties on 28.04.2015 at 1:30 PM., the Commission had passed decision vide even No. dated **30.04.2015**, wherein the Commission directed to furnish, **within one(1) week, the list of names of PIOs** involved in handling this particular appeal case alongwith the copy of the information furnished for **Sl. No. 1 and 2** to the applicant (now appellant).

And in compliance to the decision of the Commission dated 30.04.2015, Er. Longzochang, Deputy Chief Engineer & PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima had, vide letter No. NPWD/E-IN-C/PIO-RTI/2010-11 dated 30.04.2015 submitted **the list of the names of PIOs** involved in handling the appeal case as follows:-

- i) Er. K. Rhetso, Deputy Chief Engineer & PIO from 04.12.2014.
- ii) Er. Limanaro, Deputy Chief Engineer & PIO from 05.12.2014 to 15.01.2015.
- iii) Er. Longzochang, Deputy Chief Engineer & PIO from 16.01.2015 till date.

Further, Er. Longzochang, Deputy Chief Engineer & PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima had also, vide letter No. NPWD/E-IN-C/PIO-RTI/2010-11 dated **06.05.2015** submitted a copy of the information for **Sl. No. 1 and 2** which was earlier furnished to the applicant (now appellant) on **19.01.2015** by Er. Limanaro, Deputy Chief Engineer & the former PIO vide letter No. NPWD/E-IN-C/PIO-RTI/2010-11 dated Dec, 2014.

And as decided in its decision dated 30.04.2015, the Commission has fixed the next hearing on **24th June, 2015 (Wednesday) at 12:00 PM** in order to hear the appeal again, giving opportunity to the parties, in the **Hearing Room of the Nagaland Information Commission, Old Secretariat Complex, Kohima.**

However, due to the ill-health of the Chief Information Commissioner, Nagaland, the Commission had notified vide its letter of even No. dated 24.06.2015 that the hearing which was earlier scheduled on **24th June, 2015 (Wednesday) at 12:00 PM** was postponed to a later date, which shall be notified later.

And the Commission had, vide its letter of even No. dated 01.07.2015 notified that the hearing on **24th June, 2015 (Wednesday) at 12:00 PM** which was earlier postponed was now scheduled on **14th July, 2015 (Tuesday) at 2:30 PM.**

OBSERVATIONS AND FINDINGS:

During the hearing the Er. Longzochang, Deputy Chief Engineer & PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima submitted that he had no knowledge of the RTI application since the receipt and the reply to the RTI application dated 07.10.2014 was not during his tenure and that he was never informed by his predecessor about the RTI application.

The Commission also observed that the information was furnished to the applicant by Er. Limanaro, Deputy Chief Engineer & the former PIO vide letter No. NPWD/E-IN-C/PIO-RTI/2010-11 dated **Dec, 2014**. However, since there was no specific date mentioned on the above letter, on inquiry by the Commission, Er. Longzochang, Deputy Chief Engineer & PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima submitted that the information was furnished to the applicant only on **19.01.2015**. The applicant (now appellant) had also submitted that he had received the information on **19.01.2015** and was **satisfied** with the information so received.

The Commission also observed that the information was furnished only on **19.01.2015** i.e. after 104 days of the submission of the RTI application dated 07.10.2014. Hence, excluding the 30 days for the PIO to furnish information, there was a delay of $104 - 30 =$ **74 days.**

The Commission observed that from the date of receipt of the RTI application dated 07.10.2014 on the same day i.e. **07.10.2014** to the date of furnishing the information and receipt by the applicant on **19.01.2015**, this period falls under the tenure of two (2) PIOs namely, Er. K. Rhetso and Er. Limanaro, as per **the list of the names of PIOs** involved in handling the RTI case submitted vide letter No. NPWD/E-IN-C/PIO-RTI/2010-11 dated 30.04.2015. Hence, from the date of receipt of the RTI application dated 07.10.2014 on the same day i.e. **07.10.2014** to the handing over charge by Er. K. Rhetso on 04.12.2014 was **30 days**. And from the date of taking over charge by Er. Limanaro on 05.12.2014 till the date of furnishing the information and receipt by the applicant on **19.01.2015**, works out to be **44 days**.

FINAL DECISION

On the above observations and findings, the Commission decided to **close** the appeal case since the applicant(now appellant) had submitted **satisfaction** with the information so received. However, under Section 20(1) of the RTI Act, 2005, the Commission had imposed a penalty for the delay of **74 days** in furnishing the information @ Rs. 250.00 amounting to a total of **Rs.**

18,500.00 (Rupees eighteen thousand and five hundred only) on the two (2) former PIOs, namely, Er. K. Rhetso and Er. Limanaro for contributing to the delay in furnishing the information to the applicant(now appellant).

The details of break-up is as follows: Er. K. Rhetso for contributing to the delay of **30 days** @ Rs. 250.00 amounting to **Rs. 7500.00** and Er. Limanaro for contributing to the delay of **44 days** @ Rs. 250.00 amounting to **Rs. 11,000.00**

The penalty amount shall be paid within **one (1) month** from the date of receipt of this Commission's Decision. The penalty fine shall be deposited into the government account through **treasury challan** in favour of the Consultant (Accounts), Nagaland Information Commission, Nagaland, Kohima under the Head of Account given below, with a copy to this Commission:-

0070 - Other Administrative Services,
60 - Other Services
118 – Receipts under RTI Act, 2005.

Decision pronounced in presence of all parties present on 14.07.2015.

Copy be given to:-

1. Er. D. Mero, Engineer-in-Chief & First Appellate Authority, NPWD, Nagaland, Kohima, Mobile No. 9436011574.
2. Er. Longzochang, Deputy Chief Engineer & the new PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima, Mobile No. 9436010045.
3. Er. K. Rhetso, former Deputy Chief Engineer & PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima, now presently the Addl. Chief Engineer, PWD, Mokokchung Mobile No. 9436000966.
4. Er. Limanaro, former Deputy Chief Engineer & PIO, Office of the Engineer-in-Chief, NPWD, Nagaland, Kohima.
5. The applicant (now appellant), Shri. S. Lepzung Jamir, Managing Director, NESMA, C/o Nayangro, Assistant Superintendent, Vigilance Commission, Nagaland, Kohima, Mobile No. 8413946471.
6. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
7. Office Copy.

Sd/-
KEVININO P. MERU
Chief Information Commissioner

Sd/-
BUKCHEM PHOM
State Information Commissioner

Authenticated true copy:-

(WORHONTHUNG EZUNG)
Deputy Secretary